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June 20, 1995

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FEDERAL COMMUNICATIONS COMMISSION
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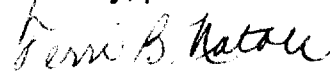
Mr. William Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: *ET Docket No. 95-18*
RM-7927

Dear Mr. Caton:

Transmitted herewith for filing on behalf of Newcomb Communications, Inc. is an original plus nine copies of its *Reply Comments* in the above-referenced proceeding. If there are any questions, kindly contact the undersigned counsel directly.

Sincerely, .



Terri B. Natoli

Counsel for
Newcomb Communications, Inc.

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 21 1995

In the Matter of

Amendment of Section 2.106 of the
Commission's Rules to Allocate
Spectrum at 2 GHz for Use
by the Mobile-Satellite Service

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

ET Docket No. 95-18
RM-7927

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To the Commission:

REPLY COMMENTS

Newcomb Communications, Inc. ("Newcomb"), by its attorneys, hereby submits its Reply Comments in the above-captioned proceeding and respectfully states as follows:

On May 5, 1995, Newcomb, and over twenty other parties, submitted comments in the above-captioned rulemaking proceeding wherein the Commission seeks comments on a proposal to allocate 70 MHz of spectrum in the 2 GHz band at 1990-2025 MHz (uplink) and 2165-2200 (MHz (downlink) to both geostationary (GSS) and low-earth orbit (LEO) mobile satellite system (MSS) services.^{1/}

Newcomb's Comments endorsed the Commission's proposal to allocate the 2 GHz frequencies to both GSO and LEO systems and set forth the public interest benefits and considerations associated with each type of system. In so doing however, Newcomb identified the fundamentally different system characteristics of GSO and MSS systems and discussed how the differences in these systems impact the public's demand for GSO or LEO

^{1/} Comments of Newcomb Communications, Inc., ET Docket No. 95-18, RM-7927, May 5, 1995 (hereinafter "Newcomb's Comments").

MSS services. As a result, Newcomb proposed a separate allocation within the proposed 2 GHz frequencies for GSO and LEO systems. The desirability for a separate allocation based on differences in system characteristics was addressed by other commentors as well.^{2/}

In order to accommodate the differences between GSO and LEO systems, both operationally and economically, Newcomb's comments proposed a separate 17.5 MHz uplink and downlink allocation at 2 GHz for GSO and LEO systems. A separate, equal allocation for each type of system would significantly ease coordination issues between the two types of systems and would allow for the development of regulatory rules and procedures optimized for the distinct characteristics and benefits of each type of system.^{3/}

Newcomb's Comments addressed, at length, the public interest benefits of the low-data-rate high-capacity wide-band (LDRWB), mobile services it currently provides to a multitude of users and the importance of supporting the growth of these types of services through additional frequency allocations which ensure their availability to the public at affordable prices in a timely fashion. Newcomb encouraged the Commission to permit the introduction and provision of GSO MSS services at 2 GHz through the use of "piggyback" payloads on currently authorized GSO satellites. Through this means, the benefits of GSO MSS services, on a national and global basis, can be realized most efficiently and expeditiously.

^{2/} See e.g., Comments of Teledesic Corporation, ET Docket No. 95-18, RM-7927, May 5, 1995 at page 8 (hereinafter "Teledesic Comments").

^{3/} See, Teledesic Comments at page 8.

Newcomb's Comments as well as the comments of most, if not all of those entities supporting a 2 GHz allocation, responded to the Commission's inquiry regarding implementing competitive bidding (auctions) for awarding licenses at 2 GHz. Newcomb's Comments urged the Commission to use auctions to avoid MSS licenses at 2 GHz only as a last resort and explained why it is unlikely that auctions would be necessary, particularly if the Commission divides the spectrum into individual sub-allocations for GSO and LEO systems. Numerous commentators share Newcomb's opposition to the use of auctions for this 2 GHz spectrum, indicating, like Newcomb, that before auctions can be implemented, mutual exclusivity among competing applications must exist.^{4/} The parties opposing auctions illustrate the numerous means available to the Commission for resolving issues of apparent mutual exclusivity short of auctions.^{5/} Until each of these avenues have been explored, it is premature to consider auctions for a 2 GHz allocation.^{6/}

^{4/} See, 47 U.S.C. § 309(j); see also, Comments of GE American Communications, Inc. ET Docket No. 95-18, RM-7927, May 5, 1995 (hereinafter "GE Americom Comments").

^{5/} See e.g., Comments of Hughes Telecommunications and Space Company, ET Docket No. 95-18, RM-7927, May 5, 1995 at page 5 (hereinafter ("HTSC Comments")); see also, GE Americom Comments at Section II; Comments of Loral/Qualcomm Partnership, L.P., ET Docket 95-18, RM-7927, May 5, 1995 at pages 25-28 (hereinafter "Loral Comments"); Comments of Motorola, Inc., ET Docket No. 95-18, RM-7927, May 5, 1995 at pages 26-27 (hereinafter "Motorola Comments").

^{6/} See e.g., Comments of TRW, Inc., ET Docket No. 95-18, RM-7927, May 5, 1995 at pages 18-20 (hereinafter "TRW Comments"); Comments of Comsat Corporation, ET Docket No. 95-18, RM-7927, May 5, 1995 at pages 25-26 (hereinafter "Comsat Comments"); Teledesic Comments at Section F; GE Americom Comments at Section III; Comments of Personal Communications Satellite Corp.; ET Docket No. 95-18, RM-7927, May 5, 1995 at Section IV (hereinafter "PCSAT Comments").

Furthermore, like Newcomb, numerous other parties submitting comments in this proceeding recognize the potentially adverse consequences from a global system perspective that auctions are likely to have on U.S. interests.^{7/} As a result, Newcomb urges the Commission to delay any further consideration of auctions for this 2 GHz allocation unless it is necessary as a last resort.

Finally, while Newcomb's initial comments did not address issues relating to the transition and relocation of incumbent users of the 2 GHz band, numerous other parties addressed this issue at length. With respect to this issue, Newcomb endorses the position that MSS service providers be required to pay only a fair share of the relocation costs of moving the Fixed Microwave and Broadcast Auxiliary Services (BAS) necessary to accommodate a 2 GHz allocation to MSS.^{8/} Requiring MSS service providers to bear the full burden of the reallocation and transition costs, costs which necessarily must be passed through to users, would likely hamper the development of much-needed MSS services at 2 GHz.^{9/} As a result of the enormous costs involved in the relocation and transition of existing services impacted by a reallocation of the 2 GHz frequencies to MSS, the Commission should carefully consider any feasible alternatives to ease the transition and minimize the associated costs. Several commentators have suggested specific ways to

^{7/} See e.g., HTSC Comments at pp. 3-4; PCSAT Comments at p. 14; Motorola Comments at pp. 24-26; Comsat Comments at pp. 27-30; Teledesic Comments at pp. 10, 13-15; GE Americom Comments at p. 20; and TWR Comments at pp. 20-24.

^{8/} See, Motorola Comments at pp. 15 and 22.

^{9/} See, TRW Comments at p. 10 and PCSAT Comments at pp. 8-10.

accomplish this, and Newcomb encourages the Commission to give them careful consideration.^{10/}

In conclusion, Newcomb reiterates its support for an allocation at 2 GHz to the MSS service, such allocation to be subdivided into separate paired 17.5 MHz uplink and downlink segments for GSO and LEO systems. Newcomb requests that the Commission permit the introduction of GSO MSS service in this band through the least-costly, most expeditious basis, i.e., the use of piggy-back transponders on already authorized GSO satellites. Newcomb submits that auctions will not be necessary due to the fact that issues of mutual exclusivity can and will be resolved through numerous alternative courses of action. Lastly, Newcomb urges the Commission to give careful attention to any and all alternatives available for displacing and relocating existing services to accommodate this allocation so as to ease transition and minimize cost to all affected parties.

Respectfully submitted,

NEWCOMB COMMUNICATIONS, INC.

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June 21, 1995
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^{10/} See e.g., TRW Comments at pp. 11-12; Loral Comments at Section II; Constellation Comments at pp. 3-4; and Comsat Comments at pp. 17-24.

CERTIFICATE OF SERVICE

I, Antoinette R. Mebane, hereby certify that copies of the foregoing *Reply Comments* of Newcomb Communications, Inc. in ET Docket No. 95-18 was served *via by hand delivery*, this 21st day of June, 1995 on the following persons:


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By: 
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